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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,843	01/16/2004	Makoto Suenaga	5095-4082	8735
7590 11/02/2005 MORGAN & FINNEGAN, L.L.P. 345 Park Avenue New York, NY 10154			EXAMINER GROSSO, HARRY A	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/759,843	Applicant(s) SUENAGA, MAKOTO	
	Examiner Harry A. Grosso	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 11 August 2005.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-8 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 9/1/05, 9/26/05.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokocho et al (6,123,216).

1. Regarding claim 1 Yokocho et al discloses a resin tank (Figure 7, column 2, lines 50-52) with a hole that is circular to fit the pipe sealing member (61, 63, Figures 3 and 7, column 5, lines 51-53), which closely fits the hole and has a pipe (73, 74, 76, column 6, lines 1-11) installed. The pipe sealing member is closely fitting to seal the tank. The outer diameter of the sealing member increases stepwise and then decreases continuously as shown in Figure 7.

3. Regarding claim 2, Yokocho et al discloses the pipe is passed through and held by the pipe sealing member so it would be detachable (column 6, lines 1-11).

4. Regarding claim 4, Yokocho et al discloses a pipe sealing member with at least a pipe fitting hole (63, Figure 7)

5. Regarding claim 5, Yokocho et al discloses a pipe sealing member with plural pipe fitting holes (61, Figure 7, column 6, line 1-7)

6. Regarding claim 6, Yokocho et al discloses a pipe sealing member that must be elastic in order to be inserted in the fitting holes and have pipes inserted and held in place and the pipe fitting hole is concentric with the closely fitting portion (63, Figure 7).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fish et al (Fish), of record, in view of Yokocho et al.

2. Regarding claim 1, Fish discloses a resin (plastic) tank (10, column 3, lines 24-26) with a hole that is circular (16, column 5, lines 47-49) to fit the pipe sealing member (18, Figures 1-3), which closely fits the hole (column 3, lines 31-34) and has a pipe (34) installed. Fish does not teach that the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank. Yokocho et al discloses a resin tank with a pipe sealing member and the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank (Figure 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a pipe sealing member that increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank as disclosed by Yokocho et al in the tank disclosed by Fish to provide for easier insertion of the pipe sealing member in the tank and an improved seal at the close fitting portion of the pipe sealing member.

3. Regarding claims 2 and 3, Fish discloses that the pipe (34) can be integrally formed with the pipe sealing member or be a separate detachable member (column 4, line 66 to column 5, line 5).
4. Regarding claims 4 and 5, Fish discloses the pipe sealing member has plural holes (Figure 1).
5. Regarding claim 6, Fish discloses that the pipe sealing member is made of elastic material (column 4, lines 4-5), and has a hole that is concentric with the closely fitting portion (Figure 3).
6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokocho et al (or Yokocho et al and Fish) in view of Clevenger et al (2002/0158073 A1, October 31, 2002). Clevenger et al discloses an oil tank made from resin (plastic, paragraph 0015) common in rotomolded tanks used for oil reservoir tanks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the resin tank of Fish et al as an oil tank since use of plastic tanks is common for this application.
7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokocho et al (or Yokocho et al and Fish) in view of the prior art cited by applicant. In this application, 10/759,843, applicant identifies the use of metallic pipes in a pipe sealing member as known in the prior art (43a-43d, Figure 7, lines 20-21) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of metallic pipes as disclosed by applicant in the resin tank disclosed by Fish et al since the use of metallic pipes is known in the art.

Response to Arguments

8. Applicant's arguments filed August 11, 2005 have been fully considered but they are not persuasive. Applicant argues that Fish et al does not disclose the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank, and the other previously cited references do not teach it. In response, this is addressed in the above action by the addition of Yokocho et al.

9. Applicant argues that there is no motivation or suggestion to combine information from the specification that applicant concedes is known in the prior art with Fish et al incorporating the use of metallic pipes. In response, applicant concedes it is known in the prior art to use metallic pipes with resin tanks for the purpose of moving the contents in or out of the resin tank. This would constitute knowledge generally available to one of ordinary skill in the art and the combination would be appropriate.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JES F. PASCUA
PRIMARY EXAMINER

for Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

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